City of Seattle
Edward B. Murray, Mayor

Department of Construction and Inspections
Nathan Torgelson, Director

CITY OF SEATTLE
ANALYSIS AND DECISION OF THE DIRECTOR OF
THE SEATTLE DEPARTMENT OF CONSTRUCTION AND INSPECTIONS

Application Number: 3020247

Applicant Name: Peggy Heim of Nicholson Kovalchick Architects

Address of Proposal: 1820 Boylston Ave

SUMMARY OF PROPOSED ACTION

Land Use Application to allow an 8-story structure containing 55 apartments. Parking for 13 vehicles to be located below grade. Existing structure to be removed

The following approvals are required:

Design Review with Departures (Seattle Municipal Code 23.41)*

SEPA - Environmental Determination (Seattle Municipal Code Chapter 25.05)

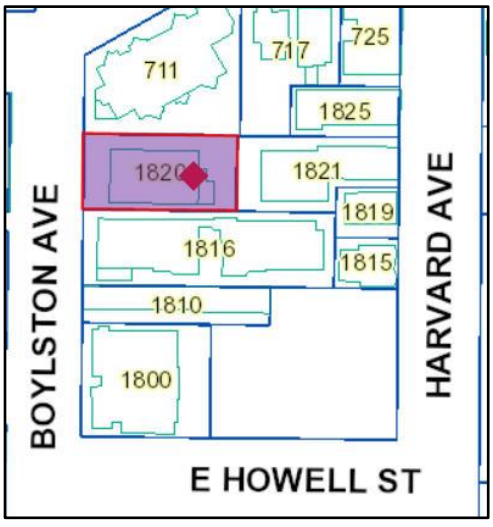
** Departures are listed near the end of the Design Review Analysis in this document*

SEPA DETERMINATION:

Determination of Non-significance

☐ No mitigating conditions of approval are imposed.

☒ Pursuant to SEPA substantive authority provided in SMC 25.05.660, the proposal has been conditioned to mitigate environmental impacts



SITE AND VICINITY

Site Zone: Midrise (MR)

Nearby Zones: North: MR
South: MR
West: MR
East: MR

Site Size: 7350 sf

Environmentally Critical Areas: None

Public Comment

The public comment period ended on November 25, 2015. In addition to the comment(s) received through the Design Review process, other comments were received and carefully considered, to the extent that they raised issues within the scope of this review. These areas of public comment related to height, excavation, drainage, soil stability, seismic issues, environmental health, construction impacts, noise, plants, parking, traffic, and density. Comments were also received that are beyond the scope of this review and analysis per SMC 25.05.

I. ANALYSIS – DESIGN REVIEW

CURRENT AND SURROUNDING DEVELOPMENT; NEIGHBORHOOD CHARACTER

A two-story, 8-unit apartment building known as the "Gerrish Hall Apartments" currently exists on the site. The masonry building, originally constructed in 1920, was designed by notable architect James H. Schack. The rectangular building is characterized by its brick construction laid in common bond, symmetrical primary west façade with central front porch, minimal decorative details and projecting cornice. The Department of Neighborhoods reviewed the proposal for compliance with the Landmarks Preservation requirements of SMC 25.12 and indicated the 96 year old structure on site is unlikely to qualify for historic landmark status.

The mid-block site is located on the western edge of the Capitol Hill neighborhood, within the South Anchor District as mapped in the Capitol Hill Guidelines. This neighborhood is characterized by mid-rise buildings; most of these buildings occupy only one or two parcels, creating a fairly consistent scale of development throughout the neighborhood. Many of the existing buildings are set back from the street and adjacent property lines. Brick is the most common cladding material, particularly in older buildings, while later buildings are clad in a variety of materials including wood, brick and concrete masonry.

Surrounded primarily by other residential buildings, the nearby context contains a range of 20th century and contemporary buildings. Immediately north is the Mezzo Condominium building, a five story, 27-unit building built in 1989. Directly to the south is the Boylston Place Apartments, a four-story, 32-unit apartment building constructed in 1990. Across Boylston Avenue, to the west, is the Winchester Apartments, a four-story brick masonry building dating from 1927. To the east, is a three story, 14 unit apartment building, originally constructed in 1960. Further east, across Broadway E is Cal Anderson Park, which offers a wide variety of recreational opportunities.

The area is well served by transit and is beginning to be developed with higher density multifamily residential structures. The future Capitol Hill Light Rail Station, scheduled to open in early 2016, will be located approximately two blocks east of the subject property, near the northwest corner of Cal Anderson Park.

PROJECT DESCRIPTION

The design packet includes information presented at the meeting, and is available online by entering the project number at this website:
http://www.seattle.gov/DPD/aboutus/news/events/DesignReview/SearchPastReviews/default.aspx

The packet is also available to view in the file, by contacting the Public Resource Center at SDCI:

Mailing Address: **Public Resource Center**
700 Fifth Ave., Suite 2000
P.O. Box 34019
Seattle, WA 98124-4019

Email: PRC@seattle.gov

EARLY DESIGN GUIDANCE August 12, 2015

PUBLIC COMMENT

Public comments offered at the meeting included the following:

- Concerned with the height of the proposed building, obstruction of existing views and lack of sunlight and air circulation in between buildings.
- Concerned with the lack of parking.
- Would like to see the preservation of an old, large tree near the edge of the property and concerned about tree limb trimming.
- Opposed to the rear setback departure request.
- Concerned about the setbacks and massing; they don't maintain the character of the neighborhood.
- Stressed the importance of carefully reviewing the setback departures; if these are granted they will set a precedent for future buildings.

PRIORITIES & BOARD RECOMMENDATIONS

After visiting the site, considering the analysis of the site and context provided by the proponents, and hearing public comment, the Design Review Board members provided the following siting and design guidance.

1. **Massing Options, Height Bulk and Scale**
   a) The Board was concerned with the height and amount of blank wall shown on the north facade. The Board deliberated if the location of the stairs and elevator should be flipped to the south to provide more opportunity for north facing windows. Ultimately, the Board preferred the proposed location, and requested the applicant bring more developed sketches for further study. The Board stressed that an effort to accommodate the neighboring building needs to be made and emphasized the importance of the detailing of the north façade. Study a setback shift to allow for more glazing. Explore fenestration patterns, texture and lighting and provide a compelling treatment, sensitive to the neighboring building. (Guidelines CS2-B-1, CS2-C-2, CS2-D-1, CS2-D-5, DC2-A-2, DC2-D-2)

b) The Board acknowledged that the amenity space to the south will be shaded the majority of the year and questioned if the location provides usable space. The Board also discussed the east amenity space and related setback request and noted the concern of setting precedence for future development, and viability of the existing tree and usable amenity space. (Guidelines CS2-B-3, PL1-C-1, PL1-C-3)
c) The Board discussed the front façade and related setback request. Given the monolithic design concept, the stepped upper level, and the street level outdoor space, the Board supported the overall massing form. Recognizing that the cantilevered form creates an increase in the perceived height of the building, the Board directed the applicant to thoughtfully develop the façade and provide more information on the design intent. (Guidelines CS2-C-2, CS2-D-1, CS2-D-5, DC2-A, DC2-D-2.)

2. **Streetscape:** Related to the massing, the Board discussed how the massing transitions to the streetscape. The Board supported the proposed lobby and townhouse locations since the provided outdoor space has the potential to provide eyes on the street and street level interaction. (Guidelines CS2-I, CS2-B-2, PL1-C, PL3-B)

3. **Materials:** The Board strongly supported the quality of materials proposed in the presentation and packet, in particular the large amounts of glazing, steel and wood, and directed the applicant to consider texture and scale when developing the design. (Guidelines DC2-D, DC4-A, DC4-II)
   a) The Board stressed the importance of the north façade materials. To mitigate the change of scale, provide thoughtful detailing and texture. (Guidelines DC2-A-2, DC4-I, DC4-II, DC4-A)

4. **Exceptional Tree:** The Board recognized that an Exceptional Tree is located along the perimeter and that all options plan for the retention of the tree. (Guidelines CS1-D-1)

FIRST RECOMMENDATION February 24, 2016

DESIGN DEVELOPMENT

During the presentation, the applicant described the changes since the EDG meeting including refinements to the massing and further design development of the elevations, street frontages and landscape.

PUBLIC COMMENT

Public comments offered at the meeting included the following:

- Concerned with the building design and the height, bulk and scale impacts.
- Lack of support for the proposed departures.
- Questioned the accuracy of the renderings and street views.
- Noted that the geological survey is prepared for a six story building and that the soils are unstable for such a steep excavation. [*Staff note: This review will occur as part of the building permit submittal and must meet all standards*]
- Questioned if the building will conform to the National Building Code for fire and life safety. [*Staff note: This review will occur as part of the building permit submittal and must meet all standards*]
- Concerned with the loss of light and views.
- Supported the design of the facades.

PRIORITIES & BOARD RECOMMENDATIONS

1. **Architectural Composition and Height, Bulk, and Scale:** The Board acknowledged the public comments and concerns with the height bulk and scale impacts and discussed each façade.
   a) The Board unanimously supported the material transitions and composition of the south and east façades. (Guidelines DC2-A, DC2-D-2)
   b) The Board recognized the design of the north façade has improved since the last meeting, but struggled with the composition and related departure request. Two Board members did not support the departure as shown. The Board supported the translation of the horizontal cladding to vertical cladding and the light material proposed. Though the Board supported three sections to break up the façade, they also noted that a strong tie between the sections is not yet apparent and directed the applicant to resolve the middle section and proportion of the façade. The Board also recommended additional planting to soften the façade and to provide more of a planted buffer. (Guidelines CS2-D-5, DC2-A-2, DC2-D-2)
   c) The Board discussed the west façade and related departure request. Recognizing that initial support for the departure was predicated on a strong monolithic design concept and generous street level outdoor space, two Board members did not support the departure as shown. The Board directed the applicant to either pull back the façade or thoughtfully develop the lower and upper façade composition and further enhance the open space design. (Guidelines CS2-C-2, CS2-B-3, CS2-D-1, CS2-D-5, DC2-A, DC2-D-2)
   d) The Board noted that the lower two story expression appears commercial and out of character for the proposed residential units. The majority of Board recommended a more refined and less gritty material treatment. The Board directed the applicant to further develop the relationship between the upper and lower massing and provide updated perspectives with the relationship to the context shown. (Guidelines CS2-C-2, CS2-D-1, CS2-D-5, DC2-A, DC2-D, DC4)

2. **Landscape and Open Space:** The Board gave direction on the proposed landscape and open space design.
   a) The Board supported the landscape design on the east portion of the site and noted that it appears lush and pleasant. (Guidelines DC3-C, DC4-D)
   b) The Board agreed the legibility of the lobby entry is unclear and noted the grade difference between the sidewalk and the lobby. The Board recommended further developing the main entry to read like a lobby entry to clarify wayfinding. (Guidelines PL2-D, PL3-A)
   c) The Board was concerned with the screening and privacy for the street facing residential units. The Board stressed the importance of fine grain detailing and directed the applicant to further develop the concrete walls and planting. (Guidelines DC2-D, DC3-A, DC4-A, DC4-II, DC4-D)
   d) The Board recommended additional landscape be added along the south wall in order to soften the retaining wall for the ground level units. (Guidelines DC2-D, DC3-C, DC4-D)

3. **Materials:** While generally supportive of the proposed materials, the Board was concerned with metal pillowing/ oil canning and noted that detailing and adequate material thickness is critical. The Board directed that applicant to provide careful detailing and explanation of steps taken to avoid oil canning. (Guidelines DC2-D, DC4-A, DC4-II)

FINAL RECOMMENDATION May 25, 2016

DESIGN DEVELOPMENT

The applicant described the changes which included minimizing the departure requests, resolving the north elevation, developing the street facing lower and upper façade composition and enhancing the open space design.

PUBLIC COMMENT

The following public comments were offered at the meeting:

- Support of the new design, especially the developed transition to the street.
- Recognized that the city is growing and is really impressed by this design. Many surrounding buildings are not as well built.
- Supported the proposed mix of materials and views and light for provided for the units; excited to see this in the neighborhood.
- Questioned if the design of the building conformed to Code. Concerned with trash removal through the garage driveway since the slope of this driveway is 20%. [*Staff note: The design must meet all standards. This review will occur as part of the Zoning review and will need Seattle Public Utilities approval.*]
- Supported the landscape design.
- Preferred for trash storage located in the garage, not on the street.
- Concerned with the north setback departure request.
- Supported the project as the massing is nicely integrated into the block and respectful of the existing development.
- Lack of support for the north setback departure request. The addition of lighting, trees and windows to soften the massive north facing wall does not address the problem.
- Concerned with the stairway exit pathway and that it will provide an outdoor haven for late night smoking and drinking.
- Concerned with lighting and glare impacts, the proposed lighting will be shining into bedrooms.
- Supported the proposed north setback distance as it is larger than the typical house to house distance in the neighborhood.

PRIORITIES & BOARD RECOMMENDATIONS

The Board commended the applicant for the responsive development and design studies.

1. **North Façade Composition and Height, Bulk, and Scale:** The Board acknowledged the public comments on the north setback departure request and the concern over the bulk and scale of the frontage, however they concluded that the applicant had done a judicious job of responding and deferring to the adjacent context.
   a. The Board recognized that the proposed building siting responds to the location of open space within the block and steps with the massing shifts of the adjacent building to the north. The proposed setbacks allow for the majority of glazing to be located along the south façade which minimizes disrupting the privacy and outdoor activities of residents in the adjacent building to the north. (Guidelines CS2, DC2-A-2)

b. The Board also agreed the design of façade had been further resolved with material transitions, location of glazing and that the additional planting softens the façade. (Guidelines DC2-A, DC2-D-2, DC3-C, DC4-D)
c. The Board explained that the pathway along the north frontage doesn't appear to be the primary entrance and recognized the use of this pathway will largely depend on how the door is keyed. The Board supported downplaying the importance of the pathway with design cues and door access, but did not suggest this as condition of the project. (Guidelines DC2-D, DC3-C, DC4-D)

2. **Street Facing Façade Composition and Height, Bulk, and Scale:** The Board recognized the improvement of the frontage and agreed the decreased setback departure request is much more attuned to the neighborhood context.
   a. The Board agreed the developed design establishes a better relationship between the upper and lower massing. The Board supported the design and related departure as the departure strengthens the sliding bars/ monolithic design concept and creates an elegant composition. (Guidelines DC2-A, DC2-D, DC4)
   b. The Board recognized that the previous circuitous route to the lobby had been eliminated and strongly supported the direct access to the lobby as it further enhanced the open space design. The new design of the raised lobby and individual stoops provides a strong connection to the street and a better transition to grade. (Guidelines CS1-C-2, PL3-A, PL3-C)

3. **Materials:** The Board unanimously supported the proposed materials, especially the variation of the OKO panels.
   a. The Board also strongly supported the proposed brick material as it references the residential character of the surrounding neighborhood and improves wayfinding to the lobby. (Guidelines PL2-D, PL3-A, DC4-A, DC4-II, DC4-D)
   b. Also at this location along the street front, the Board supported the wood cap on the concrete walls as it softens the streetscape frontage. (Guidelines DC2-D, DC3-A, DC4-A, DC4-II, DC4-D)
   c. The Board agreed that the applicant's explanation of the thicker 22 gauge metal panel had addressed their previous concerns with metal pillowing/ oil canning. (Guidelines DC2-D, DC4-A, DC4-II)

4. **Lighting**. Acknowledging the public concern about lighting impacts, the Board explained the proposed exterior lighting is shielded by a fence. Therefore, the Board supported the proposed exterior lighting and encouraged the applicant to avoid off-site night glare and light pollution with any lobby fixtures. (Guideline DC4-C-2)

5. **Trash:** The Board agreed with public comment that permanent trash storage should be located away from the streetscape and recommended resolving the trash pickup and driveway slope, but did not recommend this as condition of the project. (Guideline DC4-C-4)

DESIGN REVIEW GUIDELINES

The priority Citywide and Neighborhood guidelines identified by the Board as Priority Guidelines are summarized below, while all guidelines remain applicable. For the full text please visit the Design Review website.

CONTEXT & SITE

CS2 Urban Pattern and Form: Strengthen the most desirable forms, characteristics, and patterns of the streets, block faces, and open spaces in the surrounding area.

CS2-B Adjacent Sites, Streets, and Open Spaces

CS2-B-1. Site Characteristics: Allow characteristics of sites to inform the design, especially where the street grid and topography create unusually shaped lots that can add distinction to the building massing.

CS2-B-2. Connection to the Street: Identify opportunities for the project to make a strong connection to the street and public realm.

CS2-B-3. Character of Open Space: Contribute to the character and proportion of surrounding open spaces.

CS2-C Relationship to the Block

CS2-C-2. Mid-Block Sites: Look to the uses and scales of adjacent buildings for clues about how to design a mid-block building. Continue a strong street-edge and respond to datum lines of adjacent buildings at the first three floors.

CS2-D Height, Bulk, and Scale

CS2-D-1. Existing Development and Zoning: Review the height, bulk, and scale of neighboring buildings as well as the scale of development anticipated by zoning for the area to determine an appropriate complement and/or transition.

CS2-D-2. Existing Site Features: Use changes in topography, site shape, and vegetation or structures to help make a successful fit with adjacent properties.

CS2-D-5. Respect for Adjacent Sites: Respect adjacent properties with design and site planning to minimize disrupting the privacy of residents in adjacent buildings.

Capitol Hill Supplemental Guidance:

CS2-I Streetscape Compatibility

CS2-I-i. Sidewalk Width: Retain or increase the width of sidewalks

CS2-I-ii. Street Trees: Provide street trees with tree grates or in planter strips

CS2-I-iii: Entrances: Vehicles entrances to buildings should not dominate the streetscape

CS2-I-iv. Townhouse Orientation: Orient townhouse structures to provide pedestrian entrances to the sidewalk

PUBLIC LIFE

PL1 Connectivity: Complement and contribute to the network of open spaces around the site and the connections among them.

PL1-C Outdoor Uses and Activities

PL1-C-1. Selecting Activity Areas: Concentrate activity areas in places with sunny exposure, views across spaces, and in direct line with pedestrian routes.

PL1-C-2. Informal Community Uses: In addition to places for walking and sitting, consider including space for informal community use such as performances, farmer's markets, kiosks and community bulletin Boards, cafes, or street vending.

PL1-C-3. Year-Round Activity: Where possible, include features in open spaces for activities beyond daylight hours and throughout the seasons of the year, especially in neighborhood centers where active open space will contribute vibrancy, economic health, and public safety.

DESIGN CONCEPT

DC1 Project Uses and Activities: Optimize the arrangement of uses and activities on site.

DC1-AArrangement of Interior Uses

DC1-A-1. Visibility: Locate uses and services frequently used by the public in visible or prominent areas, such as at entries or along the street front.

DC1-A-2. Gathering Places: Maximize the use of any interior or exterior gathering spaces.

DC1-A-3. Flexibility: Build in flexibility so the building can adapt over time to evolving needs, such as the ability to change residential space to commercial space as needed.

DC1-A-4. Views and Connections: Locate interior uses and activities to take advantage of views and physical connections to exterior spaces and uses.

DC2 Architectural Concept: Develop an architectural concept that will result in a unified and functional design that fits well on the site and within its surroundings.

DC2-AMassing

DC2-A-1. Site Characteristics and Uses: Arrange the mass of the building taking into consideration the characteristics of the site and the proposed uses of the building and its open space.

DC2-A-2. Reducing Perceived Mass: Use secondary architectural elements to reduce the perceived mass of larger projects.

DC2-DScale and Texture

DC2-D-1. Human Scale: Incorporate architectural features, elements, and details that are of human scale into the building facades, entries, retaining walls, courtyards, and exterior spaces in a manner that is consistent with the overall architectural concept

DC2-D-2. Texture: Design the character of the building, as expressed in the form, scale, and materials, to strive for a fine-grained scale, or "texture," particularly at the street level and other areas where pedestrians predominate.

DC4 Exterior Elements and Finishes: Use appropriate and high quality elements and finishes for the building and its open spaces.

DC4-AExterior Elements and Finishes

DC4-A-1. Exterior Finish Materials: Building exteriors should be constructed of durable and maintainable materials that are attractive even when viewed up close. Materials that have texture, pattern, or lend themselves to a high quality of detailing are encouraged.

DC4-A-2. Climate Appropriateness: Select durable and attractive materials that will age well in Seattle's climate, taking special care to detail corners, edges, and transitions.

Capitol Hill Supplemental Guidance:

DC4-I Height, Bulk, and Scale

DC4-I-i. Materials: Masonry and terra cotta are preferred building materials, although other materials may be used in ways that are compatible with these more traditional materials. The Broadway Market is an example of a development that blends well with its surroundings and includes a mixture of materials, including masonry.

DC4-II Exterior Finish Materials

DC4-II-i. Building exteriors: Should be constructed of durable and maintainable materials that are attractive even when viewed up close. Materials that have texture, pattern or lend themselves to a high quality of detailing are encouraged.

1. Use wood shingles or Board and batten siding on residential structures.
2. Avoid wood or metal siding materials on commercial structures.

3. Provide operable windows, especially on storefronts.
4. Use materials that are consistent with the existing or intended neighborhood character, including brick, cast stone, architectural stone, terracotta details, and concrete that incorporates texture and color.
5. Consider each building as a high-quality, long-term addition to the neighborhood; exterior design and materials should exhibit permanence and quality appropriate to the Capitol Hill neighborhood.
6. The use of applied foam ornamentation and EIFS (Exterior Insulation & Finish System) is discouraged, especially on ground level locations.

DEVELOPMENT STANDARD DEPARTURES

The Board's recommendations on departures are based upon the departure's potential to help the project better meet these design guideline priorities and achieve a better overall design than could be achieved without the departure.

At the time of the Final Recommendation meeting, the following departures were requested:

1. **Front Setback (SMC 23.45.518 B):** The Code requires a 7' average setback and a 5' minimum setback. The applicant proposes a 2'-6" minimum and a 4'-6" average for levels 3-7.

   The Board unanimously supported this departure request as the design provides generous street level outdoor space and a coherent massing design concept. The Board recognized that the departure strengthens the sliding bars/ monolithic design concept and that the uppermost story is setback 19'-4" which reduces the perceived height of the structure from the street. The resulting design better meets Design Guidelines DC2-A, Architectural Concept Massing, DC2-D-2 Texture and DC3-A Building Open Space Relationship.

2. **North Side Setback (SMC 23.45.518 B):** The Code requires a 7' average setback and 5' minimum setback for portions of a structure under 42'; above this height the Code requires a 10' average setback and a 7' minimum setback. The applicant proposes a 5'-8" average setback and a 5'-1" minimum setback for all levels.

   The Board acknowledged the decrease in the departure request since the previous meeting and unanimously supported the revised departure as the design responds well to the surrounding urban fabric. The Board recognized the design allows for the majority of the glazing to be located along the south façade, which provides privacy for the neighbors to the north. The Board also agreed the design of façade had been further resolved with material transitions, location of glazing, and additional planting. The design better meets Design Guidelines meets Design Guidelines CS2 Urban Pattern and Form, DC2-A, Architectural Concept Massing and DC2-D-2 Texture.

3. **Driveway Site Triangles (SMC23.54.030.G.4):** The Code states that the driveways must start 5' from the lot line. The applicant proposes the driveway to start 2' from the lot line and a singular mirror to address visibility.

   The Board unanimously supported the departure as it minimizes the disruption of the streetscape for the driveway and addresses potential safety concerns. The resulting design better meets Guideline DC1-B Vehicular access and circulation.

BOARD DIRECTION

At the conclusion of the Second RECOMMENDATION meeting, the Board unanimously recommended approval of the project.

The recommendation summarized above was based on the design review packet dated Wednesday, May 25, 2016, and the materials shown and verbally described by the applicant at the Wednesday, May 25, 2016 Design Recommendation meeting. After considering the site and context and reconsidering the previously identified design priorities and reviewing the materials, the five Design Review Board members recommended APPROVAL of the subject design and departures with no conditions.

ANALYSIS & DECISION – DESIGN REVIEW

Director's Analysis

The design review process prescribed in Section 23.41.014.F of the Seattle Municipal Code describing the content of the SDCI Director's decision reads in part as follows:

The Director's decision shall consider the recommendation of the Design Review Board, provided that, if four (4) members of the Design Review Board are in agreement in their recommendation to the Director, the Director shall issue a decision which incorporates the full substance of the recommendation of the Design Review Board, unless the Director concludes the Design Review Board:

a. Reflects inconsistent application of the design review guidelines; or
b. Exceeds the authority of the Design Review Board; or
c. Conflicts with SEPA conditions or other regulatory requirements applicable to the site; or
d. Conflicts with the requirements of state or federal law.

The design of the proposed project was found by the Design Review Board to adequately conform to the applicable Design Guidelines.

At the conclusion of the Recommendation meeting held on May 25, 2016, the Board recommended approval of the project with no conditions as described in the summary of the Recommendation meeting above.

Five members of the East Design Review Board were in attendance and identified elements of the Design Guidelines which are critical to the project's overall success.

The Director agrees with the Design Review Board's conclusion that the proposed project result in a design that best meets the intent of the Design Review Guidelines and accepts the recommendations noted by the Board.

The applicant shall be responsible for ensuring that all construction documents, details, and specifications are shown and constructed consistent with the approved MUP drawings.

The Director of SDCI has reviewed the decision and recommendations of the Design Review Board made by the five members present at the decision meeting and finds that they are consistent with the City of Seattle Design Review Guidelines. The Director is satisfied that all of the recommendations imposed by the Design Review Board have been met.

DIRECTOR'S DECISION

The Director accepts the Design Review Board's recommendations and CONDITIONALLY APPROVES the proposed design and the requested departures with the condition summarized at the end of this Decision.

II. ANALYSIS – SEPA

Environmental review resulting in a Threshold Determination is required pursuant to the Seattle State Environmental Policy Act (SEPA), WAC 197-11, and the Seattle SEPA Ordinance (Seattle Municipal Code (SMC) Chapter 25.05).

The initial disclosure of the potential impacts from this project was made in the environmental checklist submitted by the applicant dated 12/18/2015. The Seattle Department of Construction and Inspections (SDCI) has annotated the environmental checklist submitted by the project applicant; reviewed the project plans and any additional information in the project file submitted by the applicant or agents; and any pertinent comments which may have been received regarding this proposed action have been considered. The information in the checklist, the supplemental information, and the experience of the lead agency with the review of similar projects form the basis for this analysis and decision.

The SEPA Overview Policy (SMC 25.05.665 D) clarifies the relationship between codes, policies, and environmental review. Specific policies for each element of the environment, and certain neighborhood plans and other policies explicitly referenced may serve as the basis for exercising substantive SEPA authority. The Overview Policy states in part: "*where City regulations have been adopted to address an environmental impact, it shall be presumed that such regulations are adequate to achieve sufficient mitigation*" subject to some limitations.

Under such limitations/circumstances, mitigation can be considered. Thus, a more detailed discussion of some of the impacts is appropriate.

Short Term Impacts

Construction activities could result in the following adverse impacts: construction dust and storm water runoff, erosion, emissions from construction machinery and vehicles, increased particulate levels, increased noise levels, occasional disruption of adjacent vehicular and pedestrian traffic, a small increase in traffic and parking impacts due to construction related vehicles, and increases in greenhouse gas emissions. Several construction-related impacts are mitigated by existing City codes and ordinances applicable to the project such as: the Stormwater Code (SMC 22.800-808), the Grading Code (SMC 22.170), the Street Use Ordinance (SMC Title 15), the Seattle Building Code, and the Noise Control Ordinance (SMC 25.08). Puget Sound Clean Air Agency regulations require control of fugitive dust to protect air quality. The following analyzes construction-related noise, air quality, greenhouse gas, earth/soils, environmental health construction traffic and parking impacts as well as mitigation.

Greenhouse Gas Emissions

Construction activities including construction worker commutes, truck trips, the operation of construction equipment and machinery, and the manufacture of the construction materials themselves result in increases in carbon dioxide and other greenhouse gas emissions which adversely impact air quality and contribute to climate change and global warming. While these impacts are adverse, they are not expected to be significant and no further mitigation is warranted pursuant to SMC 25.05.675.A.

Construction Impacts - Parking and Traffic

Increased trip generation is expected during the proposed demolition, grading, and construction activity. The area is subject to significant traffic congestion during peak travel times on nearby arterials. Large trucks turning onto arterial streets would be expected to further exacerbate the flow of traffic.

The area includes limited and timed or metered on-street parking. Additional parking demand from construction vehicles would be expected to further exacerbate the supply of on-street parking. It is the City's policy to minimize temporary adverse impacts associated with construction activities.

Pursuant to SMC 25.05.675.B (Construction Impacts Policy), additional mitigation is warranted and a Construction Management Plan is required, which will be reviewed by Seattle Department of Transportation (SDOT). The requirements for a Construction Management Plan include a Haul Route and a Construction Parking Plan. The submittal information and review process for Construction Management Plans are described on the SDOT website at: http://www.seattle.gov/transportation/cmp.htm.

Construction Impacts - Noise

The project is expected to generate loud noise during demolition, grading and construction. The Seattle Noise Ordinance (SMC 25.08.425) permits increases in permissible sound levels associated with private development construction and equipment between the hours of 7:00 AM and 7:00 PM on weekdays and 9:00 AM and 7:00 PM on weekends and legal holidays in Midrise zones.

If extended construction hours are desired, the applicant may seek approval from SDCI through a Noise Variance request. The applicant's environmental checklist does not indicate that extended hours are anticipated.

A Construction Management Plan will be required prior to issuance of the first building permit, including contact information in the event of complaints about construction noise, and measures to reduce or prevent noise impacts. The submittal information and review process for Construction Management Plans are described on the SDOT website at: http://www.seattle.gov/transportation/cmp.htm. The limitations stipulated in the Noise Ordinance and the CMP are sufficient to mitigate noise impacts; therefore no additional SEPA conditioning is necessary to mitigation noise impacts per SMC 25.05.675.B.

Earth / Soils

Excavation to construct the residential structures will be necessary. Excavation will remove an estimated 5,300 cubic yards of material from the development site. Soil, gravel and similar materials may be imported to or exported from the site. Transported soil is susceptible to being dropped, spilled or leaked onto City streets. The City's Traffic Code (SMC 11.74.150 and .160) provides that material hauled in trucks not be spilled during transport. The City requires that loads be either 1) secured/covered; or 2) a minimum of six inches of "freeboard" (area from level of material to the top of the truck container). The regulation is intended to minimize the amount of spilled material and dust from the truck bed en route to or from a site. No further conditioning of the impacts associated with the grading/excavation impacts of the project is warranted pursuant to SEPA policies (SMC 25.05.675.D).

The applicant submitted a geotechnical engineering study (Geotechnical Engineering Study, May 22,2015, Geotech Consultants, Inc) under Building Permit Number 6529643. The study has been reviewed by SDCI's geotechnical experts, who will require what is needed for the proposed work to proceed without undue risk to the property or to adjacent properties with the Building Permit. The existing Grading and Stormwater Codes will sufficiently mitigate adverse impacts. No additional conditioning is warranted pursuant to SEPA policies (SMC 25.05.675.D).

Environmental Health

Should asbestos be identified on the site, it must be removed in accordance with the Puget Sound Clean Air Agency (PSCAA) and City requirements. PSCAA regulations require control of fugitive dust to protect air quality and require permits for removal of asbestos during demolition. The City acknowledges PSCAA's jurisdiction and requirements for remediation will mitigate impacts associated with any contamination. No further mitigation under SEPA Policies 25.05.675.F is warranted for asbestos impacts.

Should lead be identified on the site, there is a potential for impacts to environmental health. Lead is a pollutant regulated by laws administered by the U. S. Environmental Protection Agency (EPA), including the Toxic Substances Control Act (TSCA), Residential Lead-Based Paint Hazard Reduction Act of 1992 (Title X), Clean Air Act (CAA), Clean Water Act (CWA), Safe Drinking Water Act (SDWA), Resource Conservation and Recovery Act (RCRA), and Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) among others. The EPA further authorized the Washington State Department of Commerce to administer two regulatory programs in Washington State: the Renovation, Repair and Painting Program (RRP) and the Lead-Based Paint Activities Program (Abatement). These regulations protect the public from hazards of improperly conducted lead-based paint activities and renovations. No further mitigation under SEPA Policies 25.05.675.F is warranted for lead impacts.

Long Term Impacts

Long-term or use-related impacts are also anticipated as a result of approval of this proposal including: greenhouse gas emissions; parking; possible increased traffic in the area. Compliance with applicable codes and ordinances is adequate to achieve sufficient mitigation of most long-term impacts and no further conditioning is warranted by SEPA policies. However greenhouse gas, historic resources, height bulk and scale, plants and animals, parking and traffic warrant further analysis.

Greenhouse Gas Emissions

Operational activities, primarily vehicular trips associated with the project construction and the project's energy consumption, are expected to result in increases in carbon dioxide and other greenhouse gas emissions which adversely impact air quality and contribute to climate change and global warming. While these impacts are adverse, they are not expected to be significant, and no further mitigation is warranted pursuant to SMC 25.05.675.A.

Historic Preservation

The existing structure on site is more than 50 years old. The structure was reviewed for potential to meet historic landmark status. The Department of Neighborhoods reviewed the proposal for compliance with the Landmarks Preservation requirements of SMC 25.12 and indicated the 96 year old structure on site is unlikely to qualify for historic landmark status (Landmarks Preservation Board letters, reference number LPB 341/15). Per the Overview policies in SMC 25.05.665.D, the existing City Codes and regulations to mitigate impacts to historic resources are presumed to be sufficient, and no further conditioning is warranted per SMC 25.05.675.H.

Height, Bulk, and Scale

The proposal has gone through the design review process described in SMC 23.41. Design review considers mitigation for height, bulk and scale through modulation, articulation, landscaping, and façade treatment.

Section 25.05.675.G.2.c of the Seattle SEPA Ordinance provides the following: "The Citywide Design Guidelines (and any Council-approved, neighborhood design guidelines) are intended to mitigate the same adverse height, bulk, and scale impacts addressed in these policies. A project that is approved pursuant to the Design Review Process shall be presumed to comply with these Height, Bulk, and Scale policies. This presumption may be rebutted only by clear and convincing evidence that height, bulk and scale impacts documented through environmental review have not been adequately mitigated. Any additional mitigation imposed by the decision maker pursuant to these height, bulk, and scale policies on projects that have undergone Design Review shall comply with design guidelines applicable to the project."

The height, bulk and scale of the proposed development and relationship to nearby context have been addressed during the Design Review process for any new project proposed on the site. Per the Overview policies in SMC 25.05.665.D, the existing City Codes and regulations to mitigate impacts to historic resources are presumed to be sufficient, and additional mitigation is not warranted under SMC 25.05.675.G.

Parking

The proposed development includes 37 residential units with 13 off-street vehicular parking spaces. The traffic and parking analysis (Heffron Transportation, Inc., Transportation and Parking Analysis, dated October 16, 2015, January 19, 2016, and August 15, 2016) indicates a peak demand for approximately 36 vehicles from the proposed development. Peak residential demand typically occurs overnight.

The traffic and parking analysis noted that the existing on-street parking utilization rate is approximately 106 % within 800' of the site. The proposed development peak demand of 36 parking spaces would not be accommodated by the proposed 13 parking off-street spaces in the development, resulting in a spillover demand for 23 on-street parking spaces. The proposal therefore would have a potential additional impact to on-street parking utilization, resulting in an on-street utilization of 115%. Total cumulative parking demand of the proposal and other projects proposed or under construction in the vicinity would result in a potential on-street parking utilization of 132% within 800' of the site.

SMC 25.05.675.M notes that there is no SEPA authority provided for mitigation of parking impacts in Urban Centers. This site is located in the Capitol Hill Urban Center Village. Regardless of the parking demand impacts, no SEPA authority is provided to mitigate impacts of parking demand from this proposal.

Plants and Animals

Mature vegetation is located onsite and adjacent to the subject property, including several japanese maple (Acer palmatum) trees and one exceptional tree deodar cedar (Cedrus deodara). The applicant submitted an arborist report (Tree Solutions Inc., Tree Assessment & Protection, August 11, 2015). SDCI's Arborist and SDOT has reviewed the information and determined the proposal is consistent with the provisions of SMC 25.11.050 and 25.11.070 which sets forth exceptional tree determination and protection requirements as well as DPD's Director's Rule 16-2008.

The proposal includes retention of the adjacent Exceptional Tree. In order to mitigate impacts to the Exceptional Tree under SMC 25.05.675.N, a condition for a tree preservation plan is warranted. The tree preservation plan shown in the (Tree Solutions Inc., Tree Assessment & Protection, August 11, 2015) arborist report will be required on any demolition, excavation, shoring, and construction permit plans.

Transportation

The Traffic Impact Analysis (Heffron Transportation, Inc., Transportation and Parking Analysis, dated October 16, 2015, January 19, 2016, and August 15, 2016) indicated that the project is expected to generate a net total increase of 190 daily vehicle trips, with 19 net new PM Peak Hour trips and 11 AM Peak hour trips, compared with existing uses on site.

The additional trips would have minimal impact on levels of service at nearby intersections and on the overall transportation system. The SDCI Transportation Planner reviewed the information and determined that while these impacts are adverse, they are not expected to be significant and no further mitigation is warranted per SMC 25.05.675.R.

DECISION – SEPA

This decision was made after review by the responsible official on behalf of the lead agency of a completed environmental checklist and other information on file with the responsible department. This constitutes the Threshold Determination and form. The intent of this declaration is to satisfy the requirement of the State Environmental Policy Act (RCW 43.21.C), including the requirement to inform the public of agency decisions pursuant to SEPA.

☒ Determination of Non-Significance. This proposal has been determined to not have a significant adverse impact upon the environment. An EIS is not required under RCW 43.21.030(2) (c).

The lead agency for this proposal has determined that it does not have a probable significant adverse impact on the environment. An environmental impact statement (EIS) is not required under RCW 43.21C.030 (2)(c). This decision was made after review of a completed environmental checklist and other information on file with the lead agency. This information is available to the public on request.

This DNS is issued after using the optional DNS process in WAC 197-11-355 and Early review DNS process in SMC 25.05.355. There is no further comment period on the DNS.

CONDITIONS – DESIGN REVIEW

For the Life of the Project

1. The building and landscape design shall be substantially consistent with the materials represented at the Recommendation meeting and in the materials submitted after the Recommendation meeting, before the MUP issuance. Any change to the proposed design, including materials or colors, shall require prior approval by the Land Use Planner (Magda Hogness at magdahogness@seattle.gov or 206-727-8736).

CONDITIONS – SEPA

Prior to Issuance of Demolition, Excavation/Shoring, or Construction Permit

2. Provide a Construction Management Plan that has been approved by SDOT. The submittal information and review process for Construction Management Plans are described on the SDOT website at: http://www.seattle.gov/transportation/cmp.htm.

3. The plans shall show the tree preservation plan, consistent with the (Tree Solutions Inc., Tree Assessment & Protection, August 11, 2015) arborist report on file with SDCI.

Magda Hogness, Land Use Planner Date: October 17, 2016
Seattle Department of Construction and Inspections

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IMPORTANT INFORMATION FOR ISSUANCE OF YOUR MASTER USE PERMIT

Master Use Permit Expiration and Issuance

The appealable land use decision on your Master Use Permit (MUP) application has now been published. At the conclusion of the appeal period, your permit will be considered "approved for issuance". (If your decision is appealed, your permit will be considered "approved for issuance" on the fourth day following the City Hearing Examiner's decision.) Projects requiring a Council land use action shall be considered "approved for issuance" following the Council's decision.

The "approved for issuance" date marks the beginning of the **three year life** of the MUP approval, whether or not there are outstanding corrections to be made or pre-issuance conditions to be met. The permit must be issued by Seattle DCI within that three years or it will expire and be cancelled (SMC 23-76-028). (Projects with a shoreline component have a **two year life**. Additional information regarding the effective date of shoreline permits may be found at 23.60.074.)

All outstanding corrections must be made, any pre-issuance conditions met and all outstanding fees paid before the permit is issued. You will be notified when your permit has issued.

Questions regarding the issuance and expiration of your permit may be addressed to the Public Resource Center at prc@seattle.gov or to our message line at 206-684-8467.